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SHAWN ROWLEY and JEAN
ROWLEY,

Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CIVIL ACTION NO.:

vs.

MTD PRODUCTS, INC., ABC
CORPORATIONS 1-10; XYZ
PARTNERSHIPS 1-10; JOHN DOES
1-10 (fictitious entities); j/s/a

COMPLAINT

The plaintiffs, Shawn and Jean Rowley, residing at 2205 Route 50, in the City of Mays Landing, County of Atlantic and State of New Jersey, by way of Complaint against defendant, MTD Products, Inc., a corporation with its principal place of business in Cleveland, Ohio, Incorporated in Delaware, and doing business in the State of New Jersey, says:

COUNT ONE

1. On January 16, 2018, Plaintiff, Shawn Rowley, was severely injured when a snow blower, manufactured by defendant MTD Products, Inc. bearing the brand name "Yard Machines", a plastic wheel rim burst, and became a projectile which struck Plaintiff, as he was in the process of simply checking the tire pressure of the aforesaid wheel.

2. The MTD Snow Thrower was a 7 horsepower, 24-inch Two Stage machine, Model No. 31AS3DDE729. This same make and model was subject to a United States Consumer Product Safety Commission recall issued on or about October 5, 2006, for a known hazard whereby the “plastic wheel rims can burst, posing a risk of laceration and fractures.”

3. Defendants MTD Products, Inc., ABC Corporations 1-10; XYZ Partnerships 1-10; and John Does 1-10 (fictitious entities); jointly, severally and in the alternative, are strictly liable pursuant to N.J.S.A. 2A:58C-2, et. seq., for negligently designing, manufacturing and distributing the aforesaid Snow Thrower with tires and tire rims known to cause unnecessary hazard and risk to its intended consumer from bursting tires and rims while performing reasonably foreseeable tire maintenance.

4. Defendants MTD Products, Inc., ABC Corporations 1-10; XYZ Partnerships 1-10; and John Does 1-10 (fictitious entities); jointly, severally and in the alternative, are strictly liable pursuant to N.J.S.A. 2A:58C-2, et. seq., for failure to warn or provide adequate instructions concerning the aforementioned hazards.

5. Defendants MTD Products, Inc., ABC Corporations 1-10; XYZ Partnerships 1-10; and John Does 1-10 (fictitious entities); jointly, severally and in the alternative, are strictly liable pursuant to N.J.S.A. 2A:58C-2, et. seq., for deviating from design specifications for the aforesaid snow blower or otherwise identical units.

WHEREFORE, the plaintiffs, Shawn Rowley and Jean Rowley, demands judgement against Defendants MTD Products, Inc.; ABC Corporations 1-10; XYZ Partnerships 1-10; and John Does 1-10 (fictitious entities); jointly, severally and in the alternative, are for damages, interest and costs of suit.

COUNT TWO

1. Plaintiff repeats and incorporates the allegations set forth in Count One.
2. Defendants ABC Corporations 1-10; XYZ Partnerships 1-10; and John Does 1-10, are fictitiously named parties whose identities are not known yet.
3. These fictitiously named parties are responsible for all the acts or parts thereof set forth in the proceeding Count, including but not limited to, the design, manufacturing and supply of the aforementioned snow blower and other such negligent conduct which led to the losses described herein.
4. As a result of the aforesaid negligence of Defendants ABC Corporations 1-10; XYZ Partnerships 1-10; and John Does 1-10, Plaintiff Shawn Rowley sustained injuries and losses.

WHEREFORE, the plaintiffs, Shawn Rowley and Jean Rowley, demands judgement against Defendants MTD Products, Inc.; ABC Corporations 1-10; XYZ Partnerships 1-10; and John Does 1-10 (fictitious entities); jointly, severally and in the alternative, are for damages, interest and costs of suit.

JURY DEMAND

The Plaintiffs hereby request a trial by jury as to all issues referred to in the Complaint.

CERTIFICATION

I certify that this matter is not the subject of any pending law suit or arbitration. I further certify that no other parties should be joined in this action.

DEMAND FOR ANSWERS TO INTERROGATORIES

The Plaintiffs hereby demand that the defendant answer Form C and C1 Interrogatories

within the time prescribed by the Rules of Court.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Michael J. Pender, Esquire is hereby designated as trial counsel in the above captioned litigation on behalf of plaintiff.

TARGAN PENDER & STRICKLAND
Attorneys for Plaintiffs

By: 

Michael J. Pender